



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
P.O. Box 468
Hamlin, WV 25523

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

December 18, 2008

Dear _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held December 11, 2008. Your hearing request was based on the Department of Health and Human Resources' action to deny replacement of two stolen school clothing vouchers in the amount of \$400.00.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

Eligibility for the West Virginia School Clothing Allowance (WVSCA) Program is based on current policy and regulations. Some of these regulations state as follows: The voucher cannot be replaced if it is lost or stolen after it is received by the household. (Chapter 15, Appendix B of the WV Income Maintenance Manual)

The information which was submitted at your hearing revealed that two school clothing vouchers totaling \$400.00 were stolen from your purse after receipt.

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to deny replacement of the two stolen school clothing vouchers totaling \$400.00.

Sincerely,

Cheryl Henson
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Michael Stanley, [REDACTED] DHHR

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES
BOARD OF REVIEW**

_____,

Claimant,

v.

Action Number: 08-BOR-2317

**West Virginia Department of
Health and Human Resources,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on December 11, 2008 for _____. This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on December 11, 2008 on a timely appeal, filed October 15, 2008.

II. PROGRAM PURPOSE:

The Program entitled School Clothing Allowance set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

The WV WORKS School Clothing Allowance (WVSCA) Program is designed to provide clothing assistance for school age children. These children must be foster children or recipients of WV WORKS during the month of July. The West Virginia School Clothing Allowance (WVSCA) provides clothing assistance for school age children in families who do not wish to apply or are not financially eligible for WV WORKS but whose income is equal to or less than 100% of the Federal Poverty Level.

III. PARTICIPANTS:

_____, Claimant
Michael Stanley, Department Hearing Representative

Presiding at the Hearing was Cheryl Henson, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is whether the Department was correct in their decision to deny replacement of two stolen school clothing vouchers totaling \$400.00 value.

V. APPLICABLE POLICY:

Chapter 15, Appendix B of the WV Income Maintenance Manual

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

DHS-1 WV Income Maintenance Manual Section Appendix B, N
DHS-2 Copy of the Notification letter dated October 8, 2008

Claimant's Exhibits:

None

VII. FINDINGS OF FACT:

- 1) The Claimant contacted the Department on October 8, 2008 and reported someone had stolen her purse. Inside her purse were two unused school clothing vouchers totaling \$400.00 in value. She requested replacement of the vouchers.
- 2) The Claimant stated that the Department instructed her to bring in a copy of the police report verifying that her purse was stolen, and sign an affidavit, leading her to believe the Department would replace the vouchers. The Claimant states she complied with all the Department's requests only to be denied replacement of the two vouchers. The Claimant stated that the vouchers have never been redeemed; therefore, the Department is obligated to replace them.
- 3) The Department representative apologized to the Claimant for the apparent misinformation she had been given. He stated that the worker was misinformed when they indicated the vouchers could be replaced. He stated that policy clearly states that if the vouchers are stolen after receipt, they cannot be replaced.

- 4) The Department sent the Claimant a notification letter (DHS-2) which includes the following pertinent information:

WHEN YOU WERE IN THE OFFICE ON 10/8/08, WE COMPLETED ALL THE NECESSARY FORMS TO REPLACE YOUR CLOTHING VOUCHERS. AT THE TIME, I HAD BEEN TOLD BY SUPERVISION THAT THIS REPLACEMENT WAS POSSIBLE. UNFORTUNATELY, AFTER YOU LEFT I ATTEMPTED TO PROCESS THE VOUCHERS AND DISCOVERED THAT THE [SIC] SYSTEM WOULD NOT ALLOW THE REPLACEMENT. I EXAMINED OUR POLICY MORE CLOSELY AND DISCOVERED THAT ONCE THE CLIENT RECEIVES SCA VOUCHERS, THEY CANNOT BE REPLACED. I APOLOGIZE FOR THE CONFUSION ON THIS, BUT POLICY WILL NOT ALLOW ME TO ISSUE NEW VOUCHERS. I HAVE ENCLOSED A COPY OF THE POLICY IN QUESTION.

- 5) WV Income Maintenance Manual Chapter 15, Appendix B, states the voucher cannot be replaced if it is lost or stolen after it is received by the household.

VIII. CONCLUSIONS OF LAW:

- 1) Policy clearly states that once a voucher has been received by a household, it cannot be replaced if later stolen or lost.
- 2) It is clear that the Claimant had received the vouchers and they were later stolen. Although it is clear the vouchers were never redeemed, policy is very clear in that they cannot be replaced.
- 3) The Department was correct in the finding that the two school clothing allowance vouchers cannot be replaced.

IX. DECISION:

It is the finding of the State Hearing Officer that the Department is **upheld** in the decision to deny replacement of two school clothing allowance vouchers totaling \$400.00.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 18th Day of December, 2008.

**Cheryl Henson
State Hearing Officer**